

Senate Bill 135

By: Senator Hudgens of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to
2 insurance generally, so as to provide that a religious nonprofit organization which enters into
3 a health care cost sharing arrangement with its members shall not be considered an insurance
4 company, health maintenance organization, or health benefit plan of any class, kind, or
5 character and shall not be subject to any laws related to such; to provide for definitions; to
6 provide for related matters; to provide for applicability; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance
11 generally, is amended by adding a new Code section to read as follows:

12 "33-1-19.

13 (a) As used in this Code section, the term:

14 (1) 'Health care cost sharing arrangement' means an arrangement between a religious
15 nonprofit organization and members of such organization in which the nonprofit
16 organization:

17 (A) Acts as an organizational clearing-house for information between members or
18 subscribers who have financial, physical, or medical needs and members or subscribers
19 with the present ability to assist those with present financial or medical needs;

20 (B) Provides for the financial or medical needs of a member or subscriber through gifts
21 directly from one member or subscriber to another, which may be accomplished by a
22 trust established solely for the benefit of members or subscribers, which trust is audited
23 annually by an independent auditing firm;

24 (C) Provides amounts that members or subscribers may give with no assumption of
25 risk or promise to pay either among the members or subscribers or between the
26 members or subscribers and such nonprofit organization;

27 (D) Provides a written monthly statement to all members or subscribers listing the total
28 dollar amount of qualified needs submitted to such nonprofit organization, as well as
29 the amount actually published or assigned to members or subscribers for voluntary
30 payment; and

31 (E) Provides the following written disclaimer in substantially the same form on or
32 accompanying all promotional documents distributed by or on behalf of the nonprofit
33 organization, including applications and guideline materials:

34 'NOTICE: This publication is not an insurance policy nor is it offered through an
35 insurance company. Whether anyone chooses to assist you with your medical bills
36 will be totally voluntary, as no other subscriber or member will be compelled to
37 contribute toward your medical bills. As such, this publication should never be
38 considered to be insurance. Whether you receive any payments for medical expenses
39 and whether or not this publication continues to operate, you are always personally
40 responsible for the payment of your own medical bills.'

41 (2) 'Nonprofit organization' means a nonprofit corporation qualified as exempt from
42 federal income taxation under Section 501(c) of the Internal Revenue Code.

43 (b) A religious nonprofit organization which has entered into a health care cost sharing
44 arrangement with its members shall not be considered an insurance company, health
45 maintenance organization, or health benefit plan of any class, kind, or character and shall
46 not be subject to any laws respecting insurance companies, health maintenance
47 organizations, or health benefit plans of any class, kind, or character in this state or subject
48 to regulation under such laws, including, but not limited to, the provisions of this title, and
49 shall not be subject to the jurisdiction of the Commissioner of Insurance."

50 **SECTION 2.**

51 All laws and parts of laws in conflict with this Act are repealed.